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S/1999/209
26 February 1999

ORIGINAL: ENGLISH

LETTER DATED 25 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVES OF BOSNIA AND HERZEGOVINA, CROATIA, SLOVENIA AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We wish to refer to the letter dated 12 February 1999 from Mr. Vladislav Jovanović of the Federal Republic of Yugoslavia (Serbia and Montenegro) addressed to the President of the Security Council (S/1999/152) concerning the status of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the United Nations.

The letter contains selective quotations and incorrect interpretations of both General Assembly resolution 47/1 of 22 September 1992 and the opinion of the Legal Counsel of 29 September 1992 (A/47/485, annex).

It ignores the fact that the Security Council and the General Assembly have stated that the State formerly known as the Socialist Federal Republic of Yugoslavia had ceased to exist, that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and that it should apply for membership in the United Nations.

The opinion of the Legal Counsel deals with the practical, temporary arrangements considered necessary for the communication of the United Nations with the Federal Republic of Yugoslavia (Serbia and Montenegro) as a party to disputes of which the United Nations is seized. The Secretariat's practice with regard to the Federal Republic of Yugoslavia (Serbia and Montenegro) should be interpreted in that regard. Furthermore, a legal opinion cannot and does not alter the authoritative decisions of the Security Council and the General Assembly. Indeed, the Legal Counsel himself concluded, in his opinion of 29 September 1992, that the problem addressed in his opinion would be resolved after a new Yugoslavia was admitted to the United Nations in accordance with Article 4 of the Charter of the United Nations.

Therefore, the way to resolve the issue is simple: the Federal Republic of Yugoslavia (Serbia and Montenegro) should, as stipulated in the relevant

Security Council and General Assembly resolutions, submit an application for membership in the United Nations, in accordance with Article 4 of the Charter of the United Nations, as has been done by all the other four equally legitimate successor States of the former Socialist Federal Republic of Yugoslavia.

We should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative of
Bosnia and Herzegovina

(Signed) Naste ČALOVSKI
Ambassador
Permanent Representative of the
Republic of Macedonia

(Signed) Ivan ŠIMONOVIĆ
Ambassador
Permanent Representative
of Croatia

(Signed) Danilo TÜRK
Ambassador
Permanent Representative
of Slovenia

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LETTER DATED 26 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF ARMENIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward to you herewith a statement dated 25 February 1999 by the Ministry of Foreign Affairs of the Republic of Armenia (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(Signed) Movses ABELIAN
Ambassador
Permanent Representative

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Annex

Statement issued on 25 February 1999 by the
Ministry of Foreign Affairs of Armenia

Recently, Azerbaijan's President, Heidar Aliev, wrote to the Presidents of the three Co-Chair countries of the O.S.C.E. Minsk Group, Russia, the United States and France, concerning the Nagorno Karabagh conflict and expressed his dismay at the delays in finding a resolution to the conflict. What we find most disturbing is that this call on the three Presidents to promote constructive approaches comes from the only party to the conflict which has flatly rejected the most recent proposal developed and presented by the three Co-Chairs, who represent the very Presidents to whom his letter is addressed.

The Ministry of Foreign Affairs declares that the main obstacle to the resolution of the Nagorno Karabagh conflict today is the counter-productive approach of Azerbaijan, which appears to prefer a resolution of the conflict by military means. Azerbaijan's preference contradicts the current accepted norm as to the resolution of interethnic conflicts which is based on the principle of mutually acceptable compromise. At the same time, the entire propaganda machine of Azerbaijan has been mobilized to create the illusion that it is Armenia which stands in the way of a resolution and to characterize the Minsk Group Co-Chairs' recent proposal as contrary to O.S.C.E. principles and alleges an absence of international precedent.

The Ministry of Foreign Affairs wishes to emphasize that the "common state" concept, a basic element of the latest proposal, has been received by Armenia as a promising concept for a true compromise which may lead to a peaceful resolution of the conflict. It is for this reason that Armenia has accepted it as a basis for negotiations. Azerbaijan perceived this proposal similarly and for that very reason they have rejected it - proving once again their unwillingness to accept the notion of compromise.

In addition to this major obstacle, their stance is fraught with others as well. First, Azerbaijan refuses to accept Nagorno Karabagh as a full party to the conflict and rejects direct contact with Nagorno Karabagh's leadership; Second is Azerbaijan's clear pattern of presenting this conflict in terms of the broader Russia vs. Turkey confrontation; a third obstacle is the prevailing myth in Azerbaijan that the ongoing blockade of Armenia will eventually weaken her to such a degree that it will have no choice but to make unilateral concessions; Fourth, the artificially inflated oil factor has given Azerbaijan false hopes that a strategic alliance with the West based on economic interest will help them impose a resolution to the conflict advantageous to Azerbaijan; and finally, all these factors have mistakenly persuaded Azerbaijan's leadership to believe that time is on their side and that they will eventually achieve military superiority over Armenia.

Azerbaijan's continued inflexible and intransigent position with regard to the Nagorno Karabagh conflict and its regional policy seriously threaten the security and stability of the Caucasus, prevent economic cooperation and lead to further polarization.

The Ministry of Foreign Affairs of Armenia calls on Azerbaijan to rethink its damaging policies toward the Nagorno Karabagh conflict and their regional economic strategy and further calls on them to make the necessary compromises to achieve lasting peace, stability and prosperity in the region.